

R-09-189

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR THE SALE OF PROPERTY LOCATED AT 3124 PIKE AVENUE; TO ACCEPT THE DONATION OF PROPERTY FOR A SIDEWALK RIGHT-OF-WAY; TO WAIVE THE RIGHT TO REQUIRE REGULATORY DEDICATIONS; AND FOR OTHER PURPOSES.**

WHEREAS, Arkansas Code Ann. § 15-54-302 authorizes the City to sell its real property when authorized by a resolution approved by a majority vote of the City Council present and participating; and

WHEREAS, the City of North Little Rock owns property located at 3124 Pike Avenue and desires to enter into an agreement for the sale of the property to Bruce Engstrom; and

WHEREAS, the terms of the sale of the property include the donation of certain property to the City of North Little Rock by the Estate of R. D. Splawn for a sidewalk right-of-way; and

WHEREAS, as part of the approval process to develop property, the City is authorized to require the reasonable dedication of property for public purposes in relation and proportion to the burden posed by the development; and

WHEREAS, the acquisition of right-of-way was a central point of negotiation in achieving the agreement that is attached hereto as Exhibit A; and

WHEREAS, the Buyer has requested that the City provide a guarantee that additional right-of-way will not be seized without compensation as a method to defeat fair negotiations; and

WHEREAS, it is in the best interests of the City and its residents that the property located at 3124 Pike Avenue be sold to Bruce Engstrom and the City accept the donation of property from the Estate of R. D. Splawn which will enable the City to continue sidewalk improvements to Pike Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement (substantially similar to Exhibit A attached hereto) for the sale of property

located at 3124 Pike Avenue to Bruce Engstrom for the sum of \$25,000.00, said property being more particularly described as follows:

Lot 7, Block 8, Twin City Addition to the City of North Little Rock,  
Pulaski County, Arkansas.

SECTION 2: That all closing documents for the sale of the property described in Section 1 above shall be approved by the City Attorney.

SECTION 3: That the Mayor and City Clerk are hereby authorized to accept certain real property from the Estate of R. D. Splawn for a sidewalk right-of-way, said property being more particularly described as follows:

The West 10 feet of Lots 13, 14, 15, 16 and 17, all in Block 8, Twin City  
Addition to the City of North Little Rock, Pulaski County, Arkansas.

SECTION 4: That upon execution of transfer documents for the property described in Section 3 above, the City will assume responsibility of said property.

SECTION 5: That the City waives its right to require regulatory dedications as stated in Paragraph 7 of the Agreement attached hereto as Exhibit A.

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

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\_\_\_\_\_  
Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Patrick H. Hays  
Mayor Patrick H. Hays

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:16 A.M. \_\_\_\_\_ P.M.

BY C. Jason Carter

DATE 12-22-09

Diane Whitbey, City Clerk and Collector  
North Little Rock, Arkansas

RECEIVED by Doherty